

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHALLENGE MFG. COMPANY, et al.,

Plaintiffs,

Case No. 13-CV-13290

v.

HON. MARK A. GOLDSMITH

BLUE CROSS AND  
BLUE SHIELD OF MICHIGAN,

Defendant.

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**ORDER DENYING PLAINTIFFS' MOTION FOR CLARIFICATION OR  
RECONSIDERATION (Dkt. 8)**

On November 7, 2013, the Court administratively closed this case, pending the outcome of an appeal of Hi-Lex Controls, Inc. v. BCBSM, No. 11-12557, 2013 WL 2285453 (E.D. Mich. May 23, 2013). 11/7/2013 Order (Dkt. 7). The Court explained that closing of the case (i) was without prejudice, (ii) did not constitute a decision on the merits, and (iii) was for administrative and statistical purposes only. Id. Further, the Order stated that once the court of appeals issued a mandate in the Hi-Lex Controls matter, any party could file a motion to re-open the instant case. Id.

On November 18, 2013, Plaintiffs filed a motion for “clarification or reconsideration” of the Court’s Order administratively closing the case. Pl.’s Mot. (Dkt. 8). Plaintiffs requested that the Court clarify its Order so that if “the case is reopened in a timely manner following resolution of the Hi-Lex Controls appeal, that tolling shall be deemed continuous as of the date that the original complaint was filed through the date of reopening of the matter, and continuing

during the pendency of the reopened case.” Pl.’s Br. at 4-5. Defendant did not file a response and the time to do so has expired.

The Court’s Order did not dismiss the case and the case remains on the Court’s docket, albeit closed for administrative and statistical purposes only. There has been no attempt by Defendant to invoke the statute of limitations. If the Court were to issue an opinion regarding the tolling of the statute of limitations, such an opinion, at this juncture, would be advisory and this Court is prohibited from issuing such an opinion. Fialka-Feldman v. Oakland Univ. Bd. of Trustees, 639 F.3d 711, 715 (6th Cir. 2011) (stating that the Article III “‘case or controversy’ requirement prohibits all advisory opinions”).

Accordingly, Plaintiffs’ motion is denied to the extent it seeks clarification regarding the tolling of a statute of limitations.

SO ORDERED.

Dated: December 16, 2013  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 16, 2013.

s/Deborah J. Goltz  
DEBORAH J. GOLTZ  
Case Manager